## BOYCOTT UNDER THE LAW. CONSPIRATORS CRIMINALLY AND CIV-

ILLY LIABLE,

Violence not Necessary to Inculpate Them when Concerted Action of Labor Unions Is Apparent-Posters, Circulars and Banners Intended to Discourage or Prevent Persons from Working, or from Patronizing Others, Forbidden, and Courts Will Restrain Such Efforts-Property and Labor Must Have Equal Protection-One's Business Is a Property Right

OHDER to show cause on behalf of defendants why preliminary injunction should not be va-

Charles B. Wheeler, for plaintiffs. William F. Mackey, for defendants.

SPHING. J. The plaintiffs are the owners and publishers of the Express, including the illustrated Sunday edition. In the prosecution of their business they own and occupy a valuable plant, and the said newspapers published by them are used extensively by business men for advertising, and the income derived therefrom has been large. In the conduct of this business the plaintiffs emplayed many stereotypers, pressmen and compositors, some of whom were members of the defendant organization known as the Buffalo Typographical Union No. 9, and some of whom did no affiliate with any labor organization, as the office was managed as an "open office," the employees retaining their positions irrespective of any association or nonassociation with union men.

The defendant Shankland is the president of said Typographical Union No. 9, which is an unincorporated association of about 150 members, organized primarily for the welfare of the compositors of the city of Buffalo. Each of the other defendants is president of a labor union of like composition located in said city.

plaintiffs in the carrying on their business for several years have used a type-setting machine, and men were employed to operate these machines, and in addition handmen were also employed, and by the scale of wages in vogue in 1896, the machine men received a larger daily compensation than the men who did type-setting by hand. In the fall of that year the Type graphical Union No. 9 fixed a scale of wages designed to equalize them, and to be operative in the several newspaper offices of the city of Buffalo, but the publishers declined to accede to these de mands, urging the stringency of the times among other things as a reason for refusing to incree these wages. In the fall of 1897, the Typographical Union again devised a scale of wages, and on he 14th day of October representatives of this organization and of the Allied Printing Trades council o Buffalo demanded of the plaintiffs that thereafter they should pay the rate of wages fixed by said Typographical Union, and insisted upon the plaintiffs subscribing to the following agree-

"We, the respective parties of this agreement viz.: The Allied Printing Trades Council of Buffalo and the Morning Express Publishing firm (George E. Matthews & Co.), hereby covenant and agree to abide by the rules and regulations and scale of prices of the United Printing Trades for

EFFORTS TO PREVENT NEEDY MEN PARVING LIVING. This agreement if executed not only bound

plaintiffs to pay the wages to its employees designated and adjusted by these organizations, but in addition required them to conform to the "rules and regulations" adopted by them, and in effect would unionize the office of the publishers and would ferbid the retention of any employees, however efficient they were, however long they may have been in plaintiff's service, and however necessitous their circumstances, unless they belonged to the union. The plaintiffs declined to acceed to these demands and the compositors who were members of the Typo graphical Union No. 9 were ordered to strike summarily, and this behest was obeyed. This strike included all the compositors who were members of this union, whether affected by the propo sed rate of wages or not. The men did no violence, but simply ceased to work, as they had a lawful right to do. The newspaper of plaintiffs was and has been published as usual ever since. Immediately after the refusal of the plaintiffs to accept the agreement of the Typographical Union No. 9 applied to the United Trades and Labor Council, which is the central body of the various labor organizations of the city and consists of representatives from them. This body in behalf o this union under date of November 11, 1897, passec a resolution from which I extract the following: "Resolved, . . . that the business men of th city of Buffalo be notified of the fact that the Buffule ning Express is a non-union and unfair office and is being printed by men imported from New York and elsewhere, whilst the Buffalo workmen have been ruthlessly thrown out and thus

great hardships upon many families. . . It is, fore, ordered that a copy of these resolution be forwarded to every firm advertising in that paper Resolved, That a special notice be sent out, in

structing all organiz zed labor not to patr u or firms who advertise in the Buffalo Mornis Espress or Illustrated Sunday Espress. MEN QUITING AT UNION'S DICTATION.

It will be observed that it is distinctly stated in this resolution that the Express is a nonunion office, which is not supported by the affidavite, and further charges that the workmen were dis charged, which is not true, as the evidence undis putedly shows they were ordered to quit at the die ation of the union. This resolution was sent to all the various subordinate unions of the city, and the defending organizations then began a syste matic and concerted attempt to cripple plai ses, with the obvious purpose of coercing then to yield to the demands made upon them. Res utions were adopted and circulars issued not merely in sympathy with the endeavor of the Typographical Union to enforce its scale of wages, but they were directed to the patrons and advertisers of the Express, warning them against further sup port of that paper, and insisting and threatening that continued patronage there meant loss of support from the army of workmen who compose the many labor unions of the city. These resolutions couched in slightly varying language were all inspired by an undisguised attempt to annihilat the business of the plaintiffs, unless they relented and acceded to the demands made. A few extracts will show the general tenor and similarity of these resolutions.

FORM OF BOYCOTTING REPORTS. By the Bollermakers and Iron Shipbuilders after charging that the proprietors of the Express are enemies of a "fair day's pay for a fair day's work," are enimies of organized labor, "Resolved. That we will refrain from giving any patronage to any merchants who refuse to cease par rontring the Morning and Sunday Repress."

And by the Retail Clerk's Association, "Resolved, That this body of wage-carners will not patronize any firm or firms who advertiso, after their contracts expire, in the Buffale Illustrated Ex press and the Buffalo Morning Espress, until that firm cettles its difficulty with its men, believing, as we do, that what is the concern of one is the concern of all. It is further

Ordered. That a copy of these resolutions be forwarded to all the firms in this city, now doing siliess with the above mentioned papers,"

By the Political Labor Alliance, Resolved, That we most solemnly pledge ourselve not to purchase the Buffalo or Sunday Espress, or patronize any firm that is advertising in that paper

Resolved, That we do justice to our merchants by notifying them of these resolutions, as we consider it the duty of all merchants to refuse to advertise in PDF paper that imports men from other cities and discharges Enfalo labor, all of which is respect fully submitted for your fair and impartial consid

And by the Beer Peddlers' Union, imposing fine of \$2 upon any member reading the Ex-

press or patronizing any firm buying said paper.

These resolutions, which were many in number, nearly all bore the union label of the Allied Printers Trades Council, indicating their common origin, the concerted purpose and the systematic endeavor to crush the Express unless its owners complied with the demand made upon them to let the wages of its workmen be adjusted by the said labor organization.

Pollowing in this same line circulars were preared under the direction of the Typographical Union No. 9, bearing the label referred irected to the public, and one to the advertisers of the Express, recounting the contest between the proprietors of that paper and the union, and charging the blame wholly to the owners of the paper and insisting that the fight was to be coninued without abatement by the union.

In carrying on this warfare the defendants to be posted throughout the city in shop windows and in conspicuous places printed placards calling attention in flaring letters to the boycott of the Express, and stating that "union workingmen do not patronize patrons of the Ezpress.

BOYCOTTERS" MISLEADING AND LIBELOUS

A paper was organized under the auspice of this Typographical Union, called the Labor Journal, which was the especial champion of the union in its contest with the plaintiffs. The extracts from this paper, which are embodie n the moving affidavits upon which the preliminary injunction was granted, are voluminous and assail the plaintiffs for their attitude, and in many instances the charges made are mis-leading and libelous, if the affidavits presented are to be credited. In addition to the direct attack upon plaintiffs, the advertisers in their paper were threatened frequently with loss of patronage, and Kleinhans & Co., the clothiers, who con inued to advertise extensively in the Express were subjected to caustic and unremitting attacks, and in support of the charge that this patronage of plaintils was detrimental to its trade it was stated that there has been a large "falling off" in the trade at their store, that they are "tray eling the road that leads to destruction," and "will

soon be wallowing in the 'slough of despond'. I have in a rather cursory way gone over a few of the resolutions and articles which make up the basis of the plaintiff's charge that there was an organized conspiracy on the part of these defendants to throttle or impair the business rep resented in the publication of these two news There is very little dispute over the facts in this case as to any proposition essential to be passed upon the determination of this motion. It is undisputed that the strike was ordered by the Typographical Union No. 9. It is undisputed that the difficulty preceed ing and culminating in this strike was the refusal of plaintiffs to acquiesce in the scale of wages enacted by this union. It is not controverted that these resolutions were adopted and sent to the various advertisers of the Ex press, and that they are of common inception and inspiration, and that the Labor Journal was inaugurated by the Typographical Union and is its organ in this attack upon the Express.

BOYCOTTER'S ZEAL BECOMES INTIMIDATION It is not denied that the purpose of these attacks was to boycott the Espress, to lessen its circula tion, to reduce its advertising patronage, and in the consummation of these objects it is quite apparent the defendants in their real have over stepped the bounds of prudence and of law and gone beyond mere persuasion, mere moral force and have threatened, intimidated and frightened natrons of the Espress to cease giving it patronage

or support. That the defendants have a right to organize for their own protection cannot be doubted. The tendency is for the possessors of wealth to com-bine their capital resulting in the creation of gigantic business enterprises. To counteract the effect of these combinations upon labor it is probably essential for the wage earners to unite in compac organizations, as such unions tend to check the rapacity of capitalists and prevent the reduction of wages. Within the legitimate scope of their organization undoubtedly the influence emanating from bodies of laborers is wholesome and useful. The sinewy strength of the nation is in the men who engage in manual toll, and interwoven with our national growth is the prosperity of the tollers. As every man is a sovereign, it is of significant im portance to our well-being as a nation that he be given an opportunity to educate himself, to realize his exalted citizenship, and to rear his children in patriotic devotion to our country. Unless this can be accomplished, the principle of self-government is a mockery and the prevalence of serfdon

SAME PROTECTION FOR PROPERTY AS POR LABOR. While combinations of capital are necessar

and wholesome within proper limits, yet, when they are organized to create monopolies, to reduce wages, to corner the necessaries of life, or for any other fell purpose, they infringe upon the law of the land and should be subjected to punishment and required to cease operations. But when within the law the Constitution of our country, as vell as that of every other civilized nation, guaran tees to each individual protection in his rights of That protection must be effective seainst labor unions aswell as against individuals. As it is essential to insure the wage-carners and citizens against the avarice of the money-shark. so by parity of principle, must the property-owner he insured protection in his business from combinations of men who conspire to impair or destroy The moment it is determined that laborer have a right to boycott any lawful business, to a conspiracy to annihilate any man's enterprise, from that time investments in any inlustry will become precarious and anarchy pre vail. The men who are at the heads of our industrial and commercial enterprises to-day ros to those positions from the ranks of the tollers, and the avenues must be kept open for the self reliant ambitious young men to push to the front. inguished because he possessed the vim to achieve success. It is the crowning glory of our sover ignty that the men who dominate our political affairs and control in the great business projects were inured to physical toll in their youth and understand what the daily struggle for a liveli-

PROPERTY TO BE CONTROLLED BY ITS OWNERS.

The sum of the grievance against the plaintiffs is that they declined to place the management of their property under the control of this Typocal Union No. 9. They were strictly within heir legal rights in that refusal. They owned the property, and no men or organization could dictate the manner of its running, or the wages to be paid, or the men to be employed. If the plainiffs treated their employees improperly, if the wages paid were inadequate, if for any reason vere dissatisfied, the men could quit work. That was their right. They apparently made no complaint but they suspended work at the dicta-tion of their union. The labor organizations had the right to refuse to patronize the Express, or to give support to any patron of that paper, but confessedly their antagonism did not end here. The evidence as set forth in the affidavits is that the Typographical Union enlisted all the other labor mions who are parties defendant in the common undertaking to root out the Express, or to coerce t into assenting to the domination of this union. The consummation of this scheme was not veiled, it was not insidious, but it was open, defiant and

As I read the authorities the courts have been a unit in putting the stamp of disapproval upon attempts of this kind. They could not hold otherwise, for such attacks are infractions upon the

fundamental law of the land, The term "boycott" has repeatedly been defined by the courts. In Anderson's Law Dictionary as follows: "A combination between persons to sus

end or discontinue dealings or patronage with another person or persons because of refusal to emply with a request of him or them. The pur pose is to constrain acquiescence or to force subnission on the part of the individual who, by noncompliance with the demand, has rendered himself obnoxious to the immediate parties, and, perhaps

to their personal and fraternal associates."
In Brace Brothers v. Evans, 3 R. & Corp. L. J 561, as follows:

"The word in itself implies a threat. In popuar acceptation it is an organized effort to exclude person from business relations with others by sersuasion, intimidation and other acts which end to violence, and they coerce him, through fear of resulting injury, to submit to dictation in the management of his affairs." In Toledo, etc., R. Co. v. Penn. Co., 54 Fed.

Repr. 746, Judge Tait defined boycott as follows
"As usually understood a boycott is a combina tion of many to cause a loss to one person by coerc ing others against their will, to withdraw from him beir beneficial interests, through threats that unless those others do so, the many will cause similar oss to them.

By our statute Criminal Conspiracy is defined as follows. Penal Code, § 168, sub. 5:
"If two or more persons conspire \* \* \* (5) To prevent another from exercising a lawful trade or

calling, or doing any other lawful act by force threats, intimidation, or by interfering or threaten ng to interfere with tools, implements, or property belonging to or used by another, or with the use of employment thereof."

Again in Buffalo Lubricating Oil Co. v. Everest 10 Hun, 588:

"A conspiracy consists in the unlawful combina ion or agreement of two or more persons to do an inlawful act in itself, or to do a lawful act by un lawful means." Park & Sons Co. v. Nationa Druggists Asa'n, 30 App. Div. 508-514; Spies v People, 122 III. 1; Am. & Eng. Ency. of Law Vol. 6, p. 838 (second edition); Callan v. Wilson 127 U. S. 540 555; Pettibone v. U. S., 148 id. 197-

In Davis v. Zimmerman, 91 Hun, 489, the actio was begun to restrain the defendants, "(1) from nducing the plainuff's employees to leave his service by force, threats or intimidation; (2) from preventing persons from entering plaintiff's serv ce by force, threats or intimidation; (3) from lestroying plaintiff's property,"

BUBINESS A PROPERTY RIGHT.

The plaintiff was a manufacturer of hats em ploying about seventy five employees, who were nembers of a union. The employees insisted that plaintiff should enter into agreements with them ertaining to the management of his business and threatenedto cease work and destroy his busi ness unless he acceded to their demands. The plaintiff refused and a strike was ordered and a conspiracy concocted to carry out these threats. Consummation of this scheme was sought by sickets and patrols around plaintiff's factory in imidating others from engaging in plaintiff's ervice, and even to the extent of assaulting some of the new employees. A temporary injunction was granted, and upon the refusal of the Special Term to vacate it an appeal was taken to the Gen eral Term. Judge Follett in his opinion says at page 491, et seq.: "Protection to property is guaranteed by the Constitution of the United States and the State of New York, and it is the duty of the courts to enforce these guarantees. The business of a person conducted according to law is a property right. . . . Many of the acts which, it alleged, the defendants committed, and threatened o commit, are not only violations of the rights of property guaranteed by the Constitution and the aws of the State, but are violations of the crimina aws of the State. A compliancy to injure a per on's business by threatening persons from enter ing his employment, by threats and intimidation is a crime at common law. . . Such a con piracy is now a crime by statute."

In Casey v. Cincinnati Typographical Union, 45 Fed. Repr. 135, the facts closely tally with the present case.

The Typographical Union insisted the complainant should unionize his office and aubscribe o the rules and regulations of the union and adopt its scale of wages. Upon his refusal to accede to these demands a boycott was inaugu rated. Placards were posted prominently urging all people to refrain from patronizing complain ant's newspaper, and circulars were addressed to its advertisers of like import, threatening loss of upon their failure to comply with th demands, and that the hostility of organized labor would be incurred. Action was brought by complainant to restrain the defendants from the per petuation of these acts, and an injunction was granted and the matter coming before the Federal Court Judge Sage used the following language:

"True, it is claimed that no threats were used; but the language of the circulars has no doubtful neaning. The affidavits on file show that it was erfectly understood by those who received the and the circumstances indicate that it was intended that it should be so understood. In Brace Evans, 8 Ry. & Corp. L. J., 561, it was held that the word 'boycott' is in itself a threat. In popular acceptation it is an organized effort to exclude a person from business relations with others, by persuasion, intimidation and other acts which tend to violence, and thereby coerce him, through fear of resulting injury, to submit to dictation in the management of his affairs. But it is insisted for the defendants that \* \* \* The complainant having declared that he would not employ any member of the union, the union had a right to say that its members would not patronize the com-Nobody disputes that. If that were all that is involved in this case, there would be nothing for the court to act upon. But that is not all by any means. Instead of 'fair, although sharp and bitter competition,' as is contended by counsel, it was an attempt, by coercion, to destro all competition affecting the union. It was an organized conspiracy to force the complainant t yield his right to select his own workmen, and submit himself to the control of the union, and allow it to regulate prices for him, and to determine whom he should employ and discharge. . No case has been cited where, upor prorper showing of facts, an unsuccessful appeal has been made to a court of chancery to restrain a boycott. The authorities are all the other way. In Beck v. Rallway Teamsters Protective Union, recently decided by the Supreme Court of Michireported in the Detroit Legal News of November 26, 1898, page 599, is an elaborate and instructive discussion of the questions involved in this case. The statement in the head-not which fairly summarizes the opinion, is as fol-

BOYCOTT CIRCULARS AND POSTERS ILLEGAL "A combination or conspiracy by a trades union to boycott an individual who refuses to sign is illegal and unlawful and will be enjoined by court of equity. A court of equity will enjoin the publication and circulation of posters, hand bills, circulars, etc., printed and circulated in pursuance of such combination or conspiracy to to boycott."

BOYCOTT BANNERS ARE UNLAWFUL

In Sherry v., Perkins, 147 Mass. 212, banners were displayed about the owner's premises with this inscription: "Lasters are requested to keep away from P. P. Sherry's per order L. P. U. It was held to be unlawful and was restrained by injunction. See also Vegelahn v. Guntner, 167 Mass. 92; United States v. Kane, 23 Fed. Repr. 748; Old Dominion S. S. Co. v. McKenna, 18 Abb. N. C. 262; Springhead Spinning Co. v. Riley, In Curran v. Galen, 152 N. Y. 33, the Court of

Appeals use the following language: "Public policy and the interests of society favor the utmost freedom in the citizen to pursue his lawful trade or calling, and if the purpose of an organization or combination of workingmen b te hamper, or to restrict, that freedom, and, throug contracts or arrangements with employers, to

coerce other workingmen to become members of the organization and to come under its rules and conditions, under the penalty of the loss of their position, and of deprivation of employment, then that purpose seems clearly unlawful and militates against the spirit of our government and the nature of our institutions."

DOYCOTTERS CIVILLY AND CRIMINALLY LIABLE.

It is not essential to show actual violence to prove conspiracy or a boycott. Barr v. Essex Trades Council, 58 N. J. Eq. 101; People v. Wilson, 4 N. Y. Crim. 619; State v. Glidden, 55 Conn.

Nor does the fact that the acts charged bring the defendants within the jurisdiction of the criminal courts prevent the enforcement of the civil remedy. Davis v. Zimmerman, 91 Hun, 489 492; In re Debs, Petitioner, 158 U. S. 564-593; Cranford v. Tyrrell, 128 N. Y. 341.

It has been repeatedly held that the remedy by injunction is available to plaintiff in cases of this kind where irreparable injury is likely to ensue, or the defendants threaten to continue their unlawful interferences with his business Cases last cited. Arthur v. Oakes, 63 Fed. Repr. 310; Am. & Eng. Ency. of Law, vol. 6 p. 880 (see ond edition); Park & Sons Co. v. National Druggists' Ass'n, 50 N.Y. Supp. 1064; Beck v. Railway Teamsters' Protective Union, Detroit Legal News, vol. 5, p. 599, supra.

It is urged on behalf of many of the defendants tnat the unlawful acts alleged aga inst the Typo-graphical Union No. 9, and the articles in the Labor Journal, cannot be charged against the

PRIMA FACIE CONSPIRACY; ALL PARTIES GUILTY.

The affidavits are explicit in showing a comme united purpose on the part of all of the defendants to boycott the Express. This established prime facie the existence of the conspiracy. The means by which this concerted design was made effec tive and carried out must be held to be the act of all the parties to the scheme. No rule or law is better settled than that where the conspiracy has been proven to exist the acts of each con spirator are admissible against all the to it. People v. Sharp, 45 Hun, 460, 497; Kelley v. People, 55 N. Y. 565; People v. Mather, 4 Wend 229; United States v. Kane, 23 Fed. Repr. 748; People v. Basford, 3 N. Y. Crim. 219; id. 339. VIOLENCE NOT NECESSARY TO CONSTITUTE

CRIMES

As was said by Mr. Justice Daniels in People r. Barondesa, 61 Hun, 571, a person's lawful business is his property. The two newspapers so virulently assailed were the property of the the plaintiffs in this suit. The defendants have unlawfully interfered with that business. By concerted action, supplemented by threats, by in timidation, they have sedulously and persistently sought to hamper the plaintiffs, to curtail their advertising list and to restrict their circulation. By unfounded accusations, by every act short of violence, in disparagement of the conduct of this business they have waged the fight. Keenly alive, as every stneere man must be to the welfare of the bread-winners, unwarranted acts of this kind by whomsoever committed cannot receive his approv-al. When the intervention of the courts is asked to pass upon conduct so inimical to the rights of property, there is no alternative except to emphasize disapproval by granting the restraining relief permitted by law.

The motion to vacate the injunction is denied, with \$10 costs. Motion denied, with \$10 costs.

In view of the foregoing the police will perhaps be interested to observe in what degree the character of the parade of the printers this evening takes heed of the laws of the State of New York.

KID M'COY KNOCKED OUT.

McCormick Puts the Clever Boxer to Sleep in Two Minutes. CHICAGO, Aug. 18.-Kid McCoy, the young pugilist who aspired to the world's champion ship and offered to meet Jeffries, Fitzsimmons or Sharkey for any amount and at an weight, met with a crushing and unexpecte defeat to-night in a match with Jack Mc-

Cormick, a Philadelphia heavyweight, The men had been sparring only two min-ates, when McCormick, with a right-hand swing to the jaw, sent McCoy toppling headlong to the ring floor at the Star Theatre.

McCoy and McCormick were the las on the programme of the Fort Dear born A. C.'s regular Friday night interest, and the match between the Philadelphian and the scientific boxer was uneventful ntil McCormick's powerful right landed upo his opponent's jaw. McCormick, who has never been considered in line for championship honors, was as much surprised as the crowd, which sat in breathless amazement for several seconds after the knockout blow was delivered.

Then, as the realization that McCoy wa actually down and out came over the patrons of the aports, they gave a tremendou shout of applause for the victor. Me Cormick stood gazing at the pros-trate form of his opponent as the referee slowly counted off the fatal seconds Then as "nine and out" was called he turned and walked to his corner.

In a moment the Quaker City boxer was surrounded by a crowd of jubilant friends, each of whom was anxious to grasp his hand and

congratulate him. In McCoy's corner a different scene was being enacted. His admirers could scarcely realize that their favorite had gone dow before a man whom they had supposed would prove a regular chopping block for the cleve young Heosier, Expressions of sympathy were heard on all sides, and even the "Kid's" rival. Tommy Ryan, went over to him as he sat in his corner with a dazed, bewildered look or his face and shook hands with him, expressin regret that he should have met with such a

McCoy entered the ring confidently, returning the salutes of friends, and sauntered uncon cernedly to his corner. As the gong rang, McCormick rushed floroely at his antagonist, McCoy lightly danced about feinted with his left, and landed light upon the chest. McCormick forced the "Kid" to the ropes, but the Hoosier blocked hi punches. They broke away and McCormick again rushed McCoy, who side-stepped, and McCormick slipped to the floor, McCoy catch

McCormick took the count of five and, when ne arose, he again tried the rushing tactics McCoy elinched and followed with a drive for the stomach. He struck low and left his jaw unguarded. In a flash the Philadelphian' right landed, and all was over.

Gov. Bradley Promises to Protect Mormon FRANKFORT, Ky., Aug. 19. - Bishop Rich. President of the Southern Branch of the Mor. mon Church, who was here several days ago and held a conference with Gov. Bradley, was assured of the protection of Mormons from mob indignites in this State. Rich laid before the Governor in detail the various attacks made on Mormons

Judge Hilton Still Alive.

SARATOGA, N. Y., Aug. 18.-Ex-Judge Hilton's ondition continues critical. He seldom regains consciousness and then only for a few minutes. It was announced at Woodlawn tonight that the Judge would probably linge till to-morrow morning.

As 3:80 P. M. each week day but Basurday, and every Saturday at 1:50 P. M., the New York Central's "Baratoga Limited" leaves New York, Empire State Express time; luxurious service; all Wagner cars.—Ade.

## OUR RULE IN THE SULUS GEN. BATES MEET'S THE SULTAN TO AGREE ON A TREATY.

Sultan Objects to Flying Our Flag When Abroad, but is Friendly and Will Undoubtedly Consent-Other Points Settled-Natives Feel Honored By Visit of American Women-Conditions in Cebu.

Special Cable Despatch to Tun Sun. CRBU, Philippine Islands, Aug. 18.-Gen Bates met the Sultan of the Sulu or Jolo Islands at Maibun on Monday to discuss the new treaty between him and the United States. Gen. Bates had been waiting several weeks, but was unable to secure a meeting because the Sultan objected to going to Jolo, the principal island. Finally the Sultan sent his brother to see Gen. Bates on Saturday and authorized him to nego tiate a treaty with the Americans.

This convention contains fifteen articles which are based principally on the Spanish. treaties, now inoperative through Spain losing her sovereignty in the archipelago. The treaguarantees non-interference with the religious customs of the Moros, promises American protection, and provides for American sovereignty in the Joio group.

The Sultan opposed the articles requiring bim to fly the American flag when abroad, and giving the Americans the right to occupy convenient points for military purposes. The negotiations were not concluded on Saturday so en Monday Gen. Bates went to Maibun on

the eruiser Charleston. Four American women who happened to be visiting Jolo accompanied Gen. Bates. The Moros regarded this as a distinguishing mark of American confiden such a visit never having been made during he Spanish régime.

The Sultan's palace is a flimsy wood and bamboo structure within a rickety stone wall. It is guarded by half a dozen little soldiers. The Sultan's secretary and two chiefs were present during the interview. Gen. Bates had his staff with him and a small party of other Americans were also present. The interpreter

was a friendly chief. The draft of the treaty, embodying the modifications agreed to Saturday, was submitted to the Sultan, who contended stoutly for the privflege of flying his own flag. His objection to the occupation of certain points as military posts disappeared under the explanation that the Americans would reimburse the owners of the property. Gen. Bates agreed to the Sultan's wording of the religious liberty article, explaining, however, that the Americans would punish severely anyone found guilty of false

Gen. Bates expected that stubborn opposition would be offered to the article designed to end slavery by giving slaves the right to buy their freedom. The Sultan, however, merely stipulated that when a slave bought himself it should be at the market price.

The conference was not finished on Monday. but when Gen. Bates returned to the Charleston, a conclusion had been practically reached on all points except the flag question. The interpreter, who married the Sultan's sister, said that the Bultan would surely yield on this

The Sultan agreed to resume the conference on the Charleston on Tuesday. The transport which brought this information here left Joio Tuesday morning. There is small doubt, however, of the successful ending of the negotia tions. Gen. Bates has been conducting the affair in the most skillful manner. There are wo factions of the Moros, but both are friendly to the Americans, who travel about the Island freely without being in any way molested by the natives. It is not necessary to carry arms. The chiefs, Datos, Calvi and Jokanine, oppose the Sultan and say that they will fight within a

month. Gen. Otis's recent order blocksding all fthe ng enforced. Two gunboats left Cebu to-da

to order all shipping from the closed ports. The situation in this island is curious. comparatively small band of malcontents and rigands are gathered in the mountains within sight of the town and manage to intimidate the entire native population through threats of assassination, which the killing of the local presi-

A small force could destry the robbers if it were able to reach their stronghold, bu country is extremely rough and most difficult for the Americans to traverse. need here, as in other places in the Philip ines, is means of transportation.

GIRL RUNAWAY FROM NEW HAVEN. Stele \$11 for Travelling Expenses-Lived on Ice Cream and Sods

Gussle Migzer, 14 years old, said she had run away from her home in New Haven to see New York when she was found sitting in a doorway on Third avenue last night, weeping and wishng she was home.

When taken to the East Thirty-fifth street police station she said she had stolen \$11 from a silver cup in the kitchen at home for traveling expenses. Part of the money she spent for her fare to New York, with the remainder she had bought a new skirt, candy, soda water and ice cream. She came on the New Haven boat she said, and only discovered when night came on that she had nowhere to sleep.

The police sent her to the Gerry Society's rooms and telegraphed to her mother at 4 Cardee street, New Haven.

STOOD ON AN EXPLODING BOILER. Man Went Up in the Air with It and Came

NORFOLE, Va., Aug. 18.—Three of the boilers n the sawmill of Frank Hatch, at Portsmouth, exploded simultaneously this afternoon. Colored men only were employed in the engine room, and one of these, Douglas Shearer, fireman, was instantly killed. .The skull of Gus Osborn, water tender, was fractured: Preston Williams, engineer, was scalded, and several others received minor hurts. When the explosion occurred an unidentified man was tending on one of the bollers. The upper portion of this boiler rose, Police Officer Elliot nd a fisherman, who were eye witnesses, say far in the air and fell into Scott's Creek. Upon it rested the body of the man.

IDAHO TOWN DESTROYED BY FIRE, Only a Few Residences Left Standing-Overturned Lamp Started the Fire.

BOISE, Idaho, Aug. 18,-Placerville is in ruins o-night, the result of a fire which was started this evening by the overturning of a lamp in Veasey hall. With the exception of a few residences the town is wiped out. The town has no fire protection, and all the water that could be secured was from wells.

Idaho City has sent three wagon loads of prorisions, etc., for the fire sufferers. The loss is estimated at from \$300,000 to \$500,000, with very little insurance. Placerville was one of the oldest towns in the State, having a population of between 600 and 700. The town sprung into existence during the early day

Way Above the Summer Heat Mount Posono, 1,900 feet. Water Gap, 1,800 feet. Lake Hopstcong, 1,077 feet, Pine hotels. Many trains, Lackawanna Bailroad, 429 Broadway.—44s.

## FRENCH REBUEE TO FOREIGN PRESS. Paris Journal Objects to the One-Sided Attitude That Has Been Taken.

Special Cable Despatch to THE SUR.

PARIS, Aug. 18.—The Journal des Debats, in eader headed "To the Foreigners," accuses foreign journals of a one-sided attitude con-

erning the trial at Rennes. It says:

"If the French press has set a bad example it has been anticipated and outdoor by the foreign press. The latter is less excusable, for it might be expected that the passions agitat-ing us would not affect the foreigners. They call themselves the mouthpiece of humanity. France is a country where questions of justice and humanity always given more importance and publicity than anywhere else. There is no nation in the world where an affair of this nature would have taken the proportions it has here, This native generosity is an honor to France, which sometimes becomes a victim to it. For-eigners take advantage of this, but we warn them that their irregular intervention in our affairs shocks us exceedingly. It irritates and revolts our national sentiment.

GOVERNMENT LIELDS TO GURRIN. Proops Withdrawn From Guard at His House-Street Rows in the Vicinity.

Special Cable Despatch to THE BUN. Pants, Aug. 18.—The Government, which had we thousand police, infantry and cavairy surrounding the building in Rue de Chabrol where Guerin, the anti-Semite leader, had fortifled himself and defled the Government to arrest him, has decided to leave him to his own

This decision, in the face of Guerin's openly outing the government warrant, is regarde as a bad augury of an inevitable crisis after the lennes court-martial has concluded its work. There have been some desperate street fights batants on one side shouting "Down with the ews," while the other side replied with shouts

Late to-night the disturbances in the streets became worse and there were numerous fights with the police. Many of the latter were in jured. Twenty arrests were made.

of "Long live the Republic," and "Down with

PURTUGAL HOLDS UP BOER RIFLES. 15,000 Mausers Stopped at Delagon Bay-Kruger Protests. Special Cable Despatch to THE SUR.

JOHANNESBURG, Aug. 18.-It is learned that the Portuguese authorities have stopped 15,000 Mauser rifles and a great quantity of ammunition at Delegoa Bay. The supplies were intended for the use of the Boers.

The Rand Post declares that the stoppage of the rifles and ammunition is an act of war, and t counsels the Republic to accept the challenge while the English forces in South Africa are The Volksraad to-day discussed the dyna-

mite concession. President Krüger vehemently supported the existing monopoly President Krüger has telegraphed to Lorenzo Marquez strenuously urging the Portuguese ocal authorities to permit the arms to pass, declaring that a modus vivendi with Great Britain is assured. Two thousand more cases

Marquez. ASSOCIATED PRESS DECEPTION. ciling Desputches From Rennes With th Signature of a Correspondent Not There.

of arms and ammunition are due at Lorenze

Special Cable Desputch to THE BUE. RENNES, Aug. 18.—Despatches dated Rennes and signed "Mrs. Emily Crawford" have been furnished by the Chicago Associated Press to many papers in the United States. purporting to give that correspondent's peronal views and impressions of the Dreyfus case. The fact that Emily Crawford, who is the Paris correspondent of a London paper, has not been at Rennes at any time during the trial may interest American readers as a fresh Illustration of the character of the Associated

Press news service. island ports except those of Cebu and Ilollo, is | OFERDUE STRAMERS FROM HAVANA. anxiety There Concerning the San Augus-

tin and the Havana. Special Cable Desputch to THE BUR. HAVANA, Aug. 18.-Nothing has been heard of the Spanish steamer San Augustin, which eft here last Friday for New York. There is also much anxiety concerning the Ward Line steamer Havana, which sailed hence

on Sunday morning for New York, and which

s now sometime overdue. WEST YIRGINIA OUTLAW SHOT. His Gaug Had Taken Refuge In a House

and He Wouldn't Surrender. CHARLESTON, W. Va., Aug. 18.-Crump Arbo east, a member of the notorious Clay county rang, who have been robbing and burning stores and committing various depredations or a year, was shot and killed this morning. He and several other members of the gang had taken refuge in a house on top of a mountain several miles from Clay Court House. Sheriff Stephenson with a posse went after them and surrounded the ouse. Arbogast and his companions refused o surrender and one of the deputies fired tilling Arbogast almost instantly. His companions then surrendered and were taken to

NEW STORY OF WHAT DEWEY SAID. If We Have War With Germany the Ger-

mane Will Begin It. LOWELL, Mass., Aug. 18 .- A member of the taff of the Citizen, who met Admiral Dewey at Naples, says in a letter to his paper

"Admiral Dewey was quoted when in Austria as saying our next war would be with Ger. many. He did not say that. He said that if the next war was with Germany, it would be started by the Germans, and not by the Americans. And he does not believe there will be such a war."

THE IROQUOIS OVERDUE. Clyde Liner Thirty-seven Hours Late at

Charleston. CHARLESTON, S. C., Aug. 18.—Some concern

s felt here for the Clyde Line steamship Iroquois, which at 10 P. M. is thirty-seven hours overdue. She left New York at 3:45 P. M. Tuesday for Charleston and Jacksonville with fifty passengers and a general cargo. It is thought that the captain went far to sea to avoid the hurricane, and Clyde Line officials pelieve that this port will be reached in safety. The Iroquois is a fine vessel and can weather

FALL RIVER MILL TRUST PLAN. ecces Said To Have Been Assured Befor Any Formal Offer Was Made.

FALL RIVER, Mass., Aug. 18.—It became apparent to-day that prominent local men, aided by New York and Boston capital, are behind he scheme to consolidate the print-cloth mills and that success was practically assured before any formal offer was made. In a short time all preliminaries will be arranged, and before the stated time, Dec. 1, most of the property will be ready to change hands. It is believed that local men will manage the busine

Another Cancer Cure.

New York's most perfect outings are the Hudson liver Day Line trips; good music,—...de.

## EXPOSING DREYFUS PLOT.

PRICE TWO CENTS.

GRN. MERCIER VIRTUALLY ADMITS THAT HE USED PALSE EVIDENCE.

Col. Plequart Exposes the Absurdity of the Secret Dessler-Gen, Gonse Urged Mim to Keep Secret the Guilt of Esterhazy-Doouments Stolen After Drevfus's Conviction-Du Paty de Clam's Absence Significant-Judges Unconsciously Show Their Bias Against the Prisoner-Belief, However, that They Must Acquit Dreyfus. Special Cable Despatch to THE SUR.

BRHNES, Aug. 18.-From the point of view of eason and truth it has been a great day for the cause of the defence in the Dreyfus case. From the point of view of the seven officers who are sitting in judgment on the platform of the Lycés to-day's exposition of the intricacies of the case by a man whose knowledge of its mysteries is 'more complete than any other person's, may or may not have been a revelation which would sweep away all doubts from apprejudiced minds.

Col. Picquart's testimony, which occupied the entire session, fully bore out the expectations reated by his opening evidence yesterday that ne would leave no corner of the case unexposed to the bright light of day, Still, it becomes more and more evident that it will not suffice to show the judges the worthlessness of all the so-called proofs of Dreyfus's guilt, or establish

their belief in his innocence,

The unconscious bias on the part of the judges is beginning to find frequent expression, which dumbfounds the American and English observers. What would be thought for instance, of an American judge in a great riminal trial who spent the recess of the court in conversation with the bitterest enemy of the prisoner? A member of the court-martial spent the ten-minute interval in the proceed-ings to-day pacing the courtrard in closest conference with Gen. Roget. Had it been Col. Picquart instead of Gen. Boget, the anti-Drepfus press of France would have buried the indiscreet officer in abuse.

Col. Jouanst, the president of the courtmarshal, to-day repeatedly stopped Col. Piequart in order, as he expressed it, to bring him back to the point, but all the preceding officers and ex-ministers were permitted to declaim on irrelevancies without check of

M. Pranipent, a Frenchman who is well as quainted with all the members of the courtmartial, told THE SUN correspondent to-day that they were without exception anti-Dreyfusites. They bitterly despise Col. Picquart, or did so before the trial, and consider that nothing justifies him in betraying or deserting his former associates of the General Staff. Nevertheless, this gentleman believes that the court will acquit the prisoner by a majority

vote on account of the lack of evidence.

Gen. Mercier's virtual admission that he knowingly used a false piece of evidence against Dreyfus makes some impression, but a shrug of the shoulders perhaps expresses the extent of its effect upon public opinion.

Capt. Cuignet and Generals Boisdeffre and Gonse will give their testimony to-morrow. COL. PICQUART GUARDED ON HIS WAY TO COURT.

Those who had feared that another outrage would prevent the continuation of yesterday's startling exposure of the infamies of which Dreyfus is the victim were greatly relieved when Col. Picquart, surrounded by a dozen detectives, appeared at the main entrance to the Lycée at 6:15 o'clock this morning. He entered the witness box the moment that the court reconvened, and with the same master-ful and lucid vigor resumed his exposition of the truth about the affair. He spoke clearly, forcibly and rapidly. Without a superfluous word he seized one by one each fact and held it up a moment to the light, while he pointed out its significance and its relationship to the whole plan. Then he put it swiftly into its proper place in the great puzzle map, which he has reconstructed bit by bit under the eyes of

the Judges and the world. He went out of his way a few moments to dispose of a few of charges against him, saying that he was

ready to reply to every point therein. Gen. Roget rose in the audience and asked to be allowed to speak, but he was not permitted to do so.

Col. Picquart then said a few words more about the bordereau, to show that Dreyfus wa not in a position to write the words: "I am going to the manœuvres." The witness said he would not touch the question of the handwriting of the bordereau. That was not neceasary, and besides, there were more than enough experts to deal with that matter.

HE RIDDLES THE SECRET DOSSIES. The witness then came to the secret dossier which, for the first time, was openly discussed almost without an attempt at reserve. Picquart said that he first saw it in August 1898. when he made an exhaustive examination of it. He asked that it now be placed in his hands. He knew every piece of it well, he said, but his explanation would be facilitated if the originals were before the Court as he Col. Jouanst declared that the Minister of

War would not permit the witness to handle the documents. "Very well," responded Picquart, "I can deal with them equally well, though perhaps more tediously, from memory," and this marveilous man then proceeded to take up the dessier piece after piece as though it was actually before his eyes, describing it minutely and disposing of it accordingly as it was valuable or vorthless. He applied to each case only the simplent tests of reason and common sense, and his conclusions became one after anothe so plain, so luminous, and so inevitable that it was impossible to escape from them. There was no longer any doubt of the influence of this master mind upon the seven Judges be hind the black table. They leaned forward, following every word with the most intense interest. Their faces often expressed amazement as well as conviction, and several times one of them turned toward Gen. Changing, the custodian of the secret dossier, with looks of astonishment as a crushing blow demolished some fabric of suspicion. Piequart never struck twice in the same spot. The moment an obstacle fell before his invincible logic he dashed to the next, without wasting a stroke upon the mere ruins. He dealt first with the four documents contained in the first portion of the dossier, taking up the piece known as the "doute prenve." "Every one knows," said Picquart. "in what language this piece is written, so I presume I

may discuss its points in a translation." The President, however, refused to allow the witness to reveal the nationality of the document, which is of course German.

There was searcely a new fact in Picquart's whole exposition. It was perhaps the military genius with which the facts were marshalled which made them at last invincible. His disposal of the evidence in the secret dossier was precisely the same as indicated in his testimony before the Court of Cassation, save that he was now more severe in discussing Du Paty de Clam's rôle of manufacturing a case against Dreyfus. He expressed his regret at Du Paty de Clam's absence from the trial and wondered how he would explain his conduct

Pinquart went on to denounce certain pieces of the diplomatic dossler as forgeries, proof thereof. The others he characterized as not worth serious discussion. Only a diseased imagination, he said, could construe them as evidence of Dreyfus's treaso "An a matter of fact," continued Floquart.